

Categorical Exclusion

Richmond American Homes (15kV Underground Distribution Line)

A. Background

DOI-BLM-NV-S010-2014-0132-CX

NV Energy is a private corporation with a Certificate of Public Convenience and Necessity issued by the Public Utilities Commission of Nevada to provide electric service in the certificated area of Clark County and a portion of Nye County. The company currently occupies and manages 1,100+ BLM rights-of-way in the States of Nevada, Utah, and Arizona.

BLM Office:

Bureau of Land Management
Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, Nevada 89130

LLNVS01000

Lease/Serial/Case File No.:

N-80068/A/

Proposed Action Title/Type:

ROW amendment for N-80068 which was granted June 1, 2005, for additional existing 15kV underground electrical line. On August 8, 2014, NV Energy applied for additional existing line 19 wide by 22 ft in length (.01 acres). The additional existing line provides power to Richmond American Homes.

Location of Proposed Action:

West corner of Lindell Road and Robindale.

M.D.M., Nevada, T. 22 S. R. 60 E., sec. 12, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$

Description of Proposed Action:

Operation and maintenance of a 15kV underground distribution line and related appurtenances measuring 19ft wide by 22ft long (0.01 acres).

B. Land Use Plan Conformance

Land Use Plan Name:

Las Vegas Resource Management Plan and Final Environmental Impact Statement (RMP), and the record of decision for the approved Las Vegas Resource Management Plan and Final Environmental Impact Statement. **Date Approved/Amended:**

RMP dated October 5, 1998

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions) :

ROW Management Objective: RW-1. "Meet public Demand and reduce impacts to sensitive resource by providing an orderly system of development for transportation, including legal access to private inholdings, communization's, flood control, major utility transmission lines, and related facilities.

Management Direction. Objective: RW-1-h. "All public land within the planning area, except as stated in RW-1-c through RW-1-g, are available at the discretion of the agency for rights-of-way under the authority of the Federal Land Policy and Management Act."

C. Compliance with NEPA:

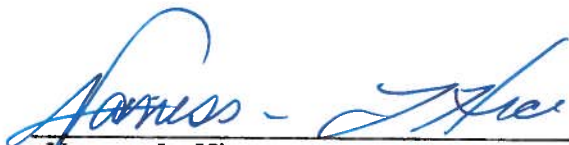
The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, or 516 DM 11.9, , E. (12): "Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way."

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

Comments providing substantive new information relevant to the analysis and mitigation measures have been incorporated into the Exhibit A Stipulations which are attached to this document.:

I have reviewed the plan conformance statement and have determined that the proposed action is in conformance with the approved land use plan and no further environmental analysis is required.

D. Approval and Contact Information



Vanessa L. Hice
Assistant Field Manager
Division of Lands

9/22/14
Date

Contact Person

Vivian Browning, Realty Specialist
Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, Nevada 89130
(702) 515-5013

Exhibit A
Stipulations N-80068/A/

1.0 General Stipulations

- 1.1. The ROW is issued subject to all valid existing rights.
- 1.2. No signs or advertising devices shall be placed on the premises or on adjacent public lands, except those posted by or at the direction of the authorized officer.
- 1.3. The ROW shall be maintained in a sanitary condition at all times. Waste materials at those sites shall be disposed of promptly at an approved waste disposal site. "Waste", as used in this paragraph, shall mean all discarded matter of any kind.
- 1.4. Holder shall mark the exterior boundaries of the ROW with stake and/or lath at 100 to 200 foot intervals. The intervals may be varied at the time of staking at the discretion of the Authorized Officer. The tops of the stakes and/or laths will be painted and the laths flagged in a distinctive color as determined by the Holder. Holder shall maintain all boundary stakes and/or laths in place until final cleanup and restoration is completed.
- 1.5. Holder shall conduct all activities associated with construction, operation, maintenance and termination of this ROW within its authorized limits.
- 1.6. Holder shall maintain the ROW in a safe, useable condition, as directed by the Authorized Officer. A regular maintenance program shall include, but is not limited to, soil stabilization.
- 1.7. Holder shall maintain copy of the authorization along with stipulations on construction site at all times. In the event that the public land underlying the ROW encompassed in this grant, or a portion thereof, is conveyed out of Federal ownership and administration of the ROW or the land underlying the ROW is not being reserved to the United States in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the ROW, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part [2800][2880], including any rights to have the holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the ROW, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws,

statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the ROW shall be considered a civil matter between the patentee/grantee and the ROW Holder.

- 1.8. Within 90 days of construction completion, the Holder shall provide the Authorized Officer with data in a format compatible with the Bureau's Arc-Info Geographic Information System to accurately locate and identify the ROW:

Acceptable data formats are:

Corrected Global Positioning System files with sub-meter accuracy or better, in UTM NAD 83; Zone 11;
ARCGIS export files on a CD ROM, shapefile, geodatabase.

Data may be submitted in any of the following formats:

ARCGIS interchange, shapefile or geodatabase format.
CD ROM in compressed or uncompressed format.

All data shall include metadata for each coverage, and conform to the Content Standards for Digital Geospatial Metadata Federal Geographic Data Committee standards. Contact the GIS Department at (702) 515-5000.

2.0 Air Quality

- 2.1. The Holder shall not violate applicable air standards or related facility siting standards established by or pursuant to applicable federal, state, or local laws or regulations. The Holder shall be responsible for dust abatement within the limits of the ROW and is responsible for obtaining all necessary permits from appropriate authorities for acceptable dust abatement and control methods (e.g., water, chemicals). The Holder shall be solely responsible for all violations of any air quality permit, law or regulation, as a result of its action, inaction, use or occupancy of the ROW.

Ensure dust control permit is obtained from DAQ for all soil disturbing activities of .25 acres or greater, in the aggregate and all permit stipulations are in compliance for the duration of the project.

Notwithstanding whether a violation of any air quality permit, law or regulation results, the Holder will cooperate with the Authorized Officer in implementing and maintaining reasonable and appropriate dust control methods in conformance with law and appropriate to the circumstances at the sole cost of the Holder.

Prior to relinquishment, abandonment, or termination of this ROW, the Holder shall apply reasonable and appropriate dust abatement and control measures to all disturbed areas. The abatement and measures shall be designed to be effective over

the long-term (e.g., rock mulch or other means) and acceptable to the Authorized Officer.

- 2.2. During excavation, backfilling, and contouring, the disturbed soil should be wetted sufficiently in order to effectively reduce airborne dust and reduce soil erosion.

3.0 Cultural

- 3.1. Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by the Holder, or any person working on his behalf on public or Federal lands shall be immediately reported to the Authorized Officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The Holder will be responsible for the cost of evaluation. Any decision regarding suitable mitigation measures will be made by the Authorized Officer after consulting with the Holder. Holder shall be responsible for the resultant mitigation costs.

4.0 Hazardous Material/Pesticides/Liability/Minerals/Fire Management

- 4.1. No hazardous material, substance, or hazardous waste, (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, *et seq.*, or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, *et seq.*) shall be used, produced, transported, released, disposed of, or stored within the ROW area at any time by the Holder. The Holder shall immediately report any release of hazardous substances (leaks, spills, etc.) caused by the Holder or third parties in excess of the reportable quantity as required by federal, state, or local laws and regulations. A copy of any report required or requested by any federal, state or local government agency as a result of a reportable release or spill of any hazardous substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved federal, state or local government agency.
- 4.2. The Holder shall immediately notify the Authorized Officer of any release of hazardous substances, toxic substances, or hazardous waste on or near the ROW potentially affecting the ROW of which the Holder is aware.
- 4.3. As required by law, Holder shall have responsibility for and shall take all action(s) necessary to fully remediate and address the hazardous substance(s) on or emanating from the ROW.
- 4.4. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the Holder

shall obtain from the Authorized Officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers and any other information deemed necessary by the Authorized Officer.

The plan shall be submitted no later than December 1 of any calendar year that covers the proposed activities for the next fiscal year.

Pesticides shall not be permanently stored on public lands authorized for use under this ROW.

- 4.5. The Holder shall comply with all applicable local, state, and federal air, water, hazardous substance, solid waste, or other environmental laws and regulations, existing or hereafter enacted or promulgated. To the full extent permissible by law, the Holder agrees to indemnify and hold harmless, within the limits, if any, established by state law (as state law exists on the effective date of the right-of-way), the United States against any liability arising from the Holder's use or occupancy of the ROW, regardless of whether the Holder has actually developed or caused development to occur on the ROW, from the time of the issuance of this ROW to the Holder, and during the term of this ROW. This agreement to indemnify and hold harmless the United States against any liability shall apply without regard to whether the liability is caused by the Holder, its agents, contractors, or third parties. If the liability is caused by third parties, the Holder will pursue legal remedies against such third parties as if the Holder were the fee owner of the ROW.

Notwithstanding any limits to the Holder's ability to indemnify and hold harmless the United States which may exist under state law, the Holder agrees to bear all responsibility (financial or other) for any and all liability or responsibility of any kind or nature assessed against the United States arising from the Holder's use or occupancy of the ROW regardless of whether the Holder has actually developed or caused development to occur on the ROW from the time of the issuance of this ROW to the Holder and during the term of this ROW.

- 4.6. All mineral materials need to be used on site within the right-of-way or stockpiled on site for disposal by the BLM. If mineral materials are stockpiled on site for future disposal by the BLM, a mineral material contract, free use permit or material site right-of-way must be issued by the BLM before those mineral materials may be used.
- 4.7. Compliance with fire restrictions current at time of project implementation will mitigate any risks introduced by the proposed actions. Specific, noncompliant activities may be waived on a case by case basis by a line officer after review and approval by the Fire Management Officer

5.0 Survey Monuments

- 5.1. Holder shall protect all survey monuments found within the authorization area. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coast and Geodetic Survey benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. If any of the above are to be disturbed during operations, the holder shall secure the services of a Professional Land Surveyor or Bureau cadastral surveyor to perpetuate the disturbed monuments and references using surveying procedures found in the Manual of Instructions for the Survey of the Public Lands of the United States and Nevada Revised Statutes, Chapter 329, Perpetuation of Corners. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monuments, the holder shall be responsible for the survey cost.

6.0 Vegetation/Noxious Weeds/Land surface Treatment/Soil/Water/Riparian

- 6.1. There are no conflicts with any T/E plant species. Cactus and yucca are considered government property and regulated under the BLM Nevada forestry program. As the proposed project will not result in any surface or vegetation disturbance, no impacts to cactus, yucca, and other forestry products are expected.
- 6.2. The Holder shall be responsible for weed control on disturbed areas within the limits of the ROW. The Holder is responsible for consultation with the Authorized Officer and/or local authorities for acceptable weed control methods within limits imposed in the ROW stipulations.

Standard weed BMP's must be implemented during construction and maintenance of the project. If noxious weed infestations are found on site they should be reported to the BLM Weed Coordinator. It will be the responsibility of the proponent to control any invasive species spread onto adjacent BLM lands outside the disposal boundary through project actions.

- 6.3. Land surface treatment for areas previously disturbed: Following excavation, trenches will be backfilled with the excavated soil. The soil will be distributed and contoured evenly over the surface of the disturbed area. The soil surface will be left rough to help reduce potential wind erosion.
- 6.4. Land surface treatment for areas previously undisturbed: Strip the top three to six inches of soil material with associated plant material over all surfaces to be disturbed by construction. Stockpile this material along the course of construction will be salvaged and transplanted out of harm's way but still within the ROW. At the

conclusion, including trench backfilling and compaction, replace the stockpiled soil with plant debris uniformly back on the surface of the disturbed area.

- 6.5. Soil/Water/Riparian: If work is to occur in Ephemeral channels, need to consult with Army Corp of Engineers (ACOE) and Nevada Department of Environmental Protection (NDEP). If drilling boreholes, holder needs to follow Nevada Administrative Code (NAC) protocols for drilling.

7.0 Fish and Wildlife

- 7.1. Wildlife species in the general area include small mammals, rodents, birds and reptiles. Additionally, the BLM sensitive species western burrowing owl, Mojave Shovel-Nosed snake, Mojave Desert Sidewinder may be present in the general area. Since this is an administrative action, no additional disturbance will occur. No new impacts to wildlife or their habitat are expected.

8.0 Migratory Birds

- 8.1. To prevent undue harm, habitat-altering projects or portions of projects should be scheduled outside bird breeding season. In upland desert habitats and ephemeral washes containing upland species, the season generally occurs between March 15th - July 30th.

If a project that may alter any breeding habitat has to occur during the breeding season, then a qualified biologist must survey the area for nests prior to commencement of construction activities. This shall include burrowing and ground nesting species in addition to those nesting in vegetation. If any active nests (containing eggs or young) are found, an appropriately-sized buffer area must be avoided until the young birds fledge.

10.0 Visual Resources

- 10.1 The proposed action is in VRM Class IV, which allows for high levels of change to the existing landscape. Change may dominate the view of the casual observer. Since the proposed action is adjacent to existing developments, it is not expected to dominate the view of the casual observer. Please ensure that change repeats the basic elements of form, line, color, and texture found in the natural landscape to the extent practical.

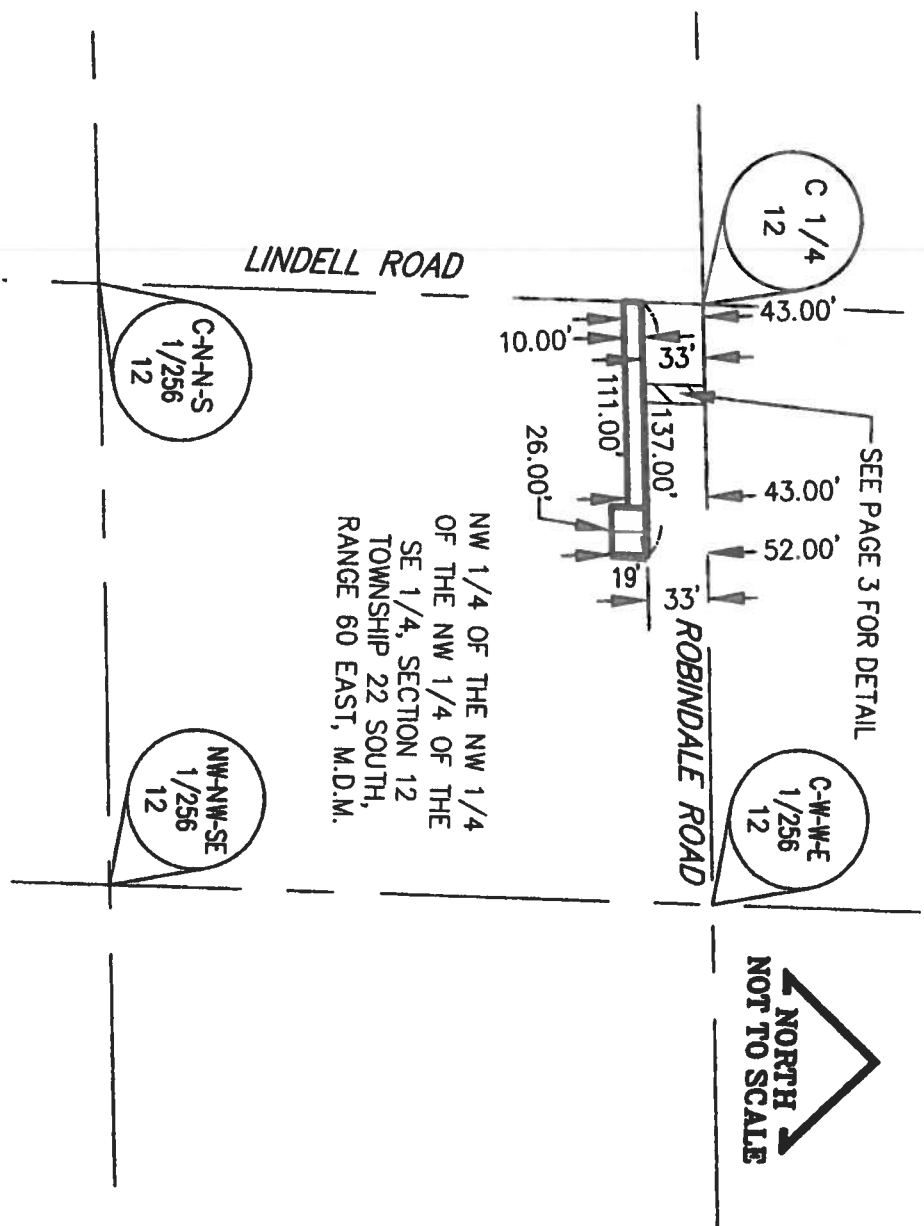
11.0 Threatened and Endangered Wildlife and Plant Species Stipulations

- 11.1 The proposed action has a no effect determination on the threatened desert tortoise (*Gopherus agassizii*). This project will have no effect on any other federally listed species or designated critical habitat. Since this is an administrative action, no additional disturbance will occur. No new impacts to desert tortoise or their habitat are expected.



PROJECT:
BLM LAND SALES, FALL 2014
PARCEL N-92827, GRANT N-80068

EXHIBIT MAP TO ACCOMPANY LAND DESCRIPTION
SEC: 12 T: 22 S., R: 60 E. DATE: 7 AUG, 2014 PAGE: 2 OF 3
SURVEYOR: DRAWN BY: CV CHECKED BY: SD PROJECT ID: LR905YGBL4

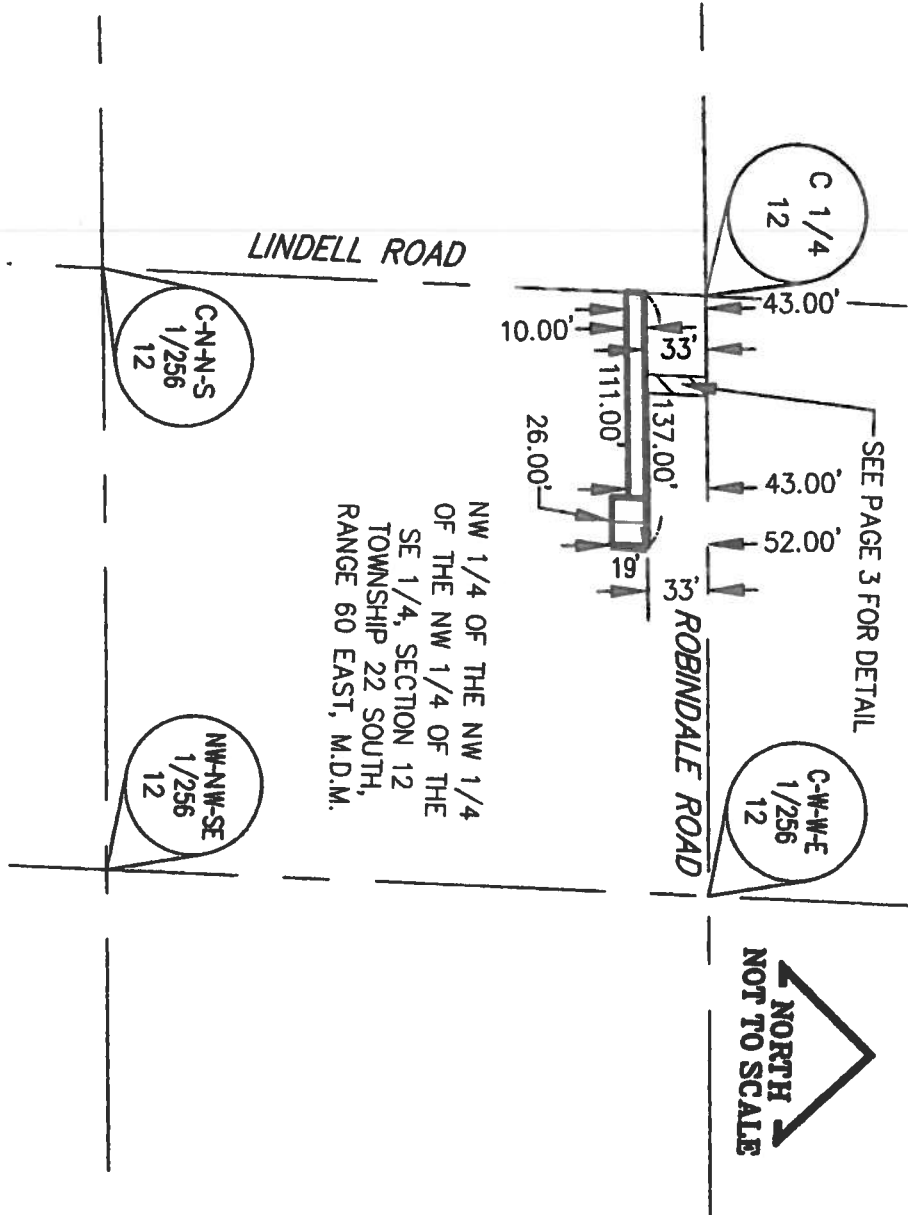


☐ ROW Amendment Area



PROJECT:
BLM LAND SALES, FALL 2014
PARCEL N-92827, GRANT N-80068

EXHIBIT MAP TO ACCOMPANY LAND DESCRIPTION
SEC: 12 T: 22 S., R: 60 E. DATE: 7 AUG, 2014 PAGE: 2 OF 3
SURVEYOR: DRAWN BY: CV CHECKED BY: SD PROJECT ID: LR905YGBL4



☐ ROW Amendment Area

Exhibit B
N-80068/A/

TOWNSHIP 22 SOUTH RANGE 60 EAST OF THE MOUNT DIABLO MERIDIAN, NEVADA

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MTP
SUPPL Sec 12

INDEX TO SEGREGATED TRACTS			
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FOR OWNERS EFFECTING DISPOSAL OR USE OF
UNDEVELOPED LANDS WITHIN OR FOR CLASSIFICATION
MINERALS WATER AND/OR OTHER PUBLIC PURPOSES
REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

EXTRACT FROM SEC 12 OF THIS TOWNSHIP AS AMENDED BY
THE PUBLIC LANDS COMMISSION AND THE BUREAU OF LAND
MANAGEMENT FOR THE PURPOSES OF THE PUBLIC LANDS
ACT OF OCTOBER 3, 1906, AS AMENDED BY THE ACT OF
MAY 10, 1908, AND THE ACT OF MARCH 3, 1909.

Sec 12 OF THIS TOWNSHIP (SEE INDEX)

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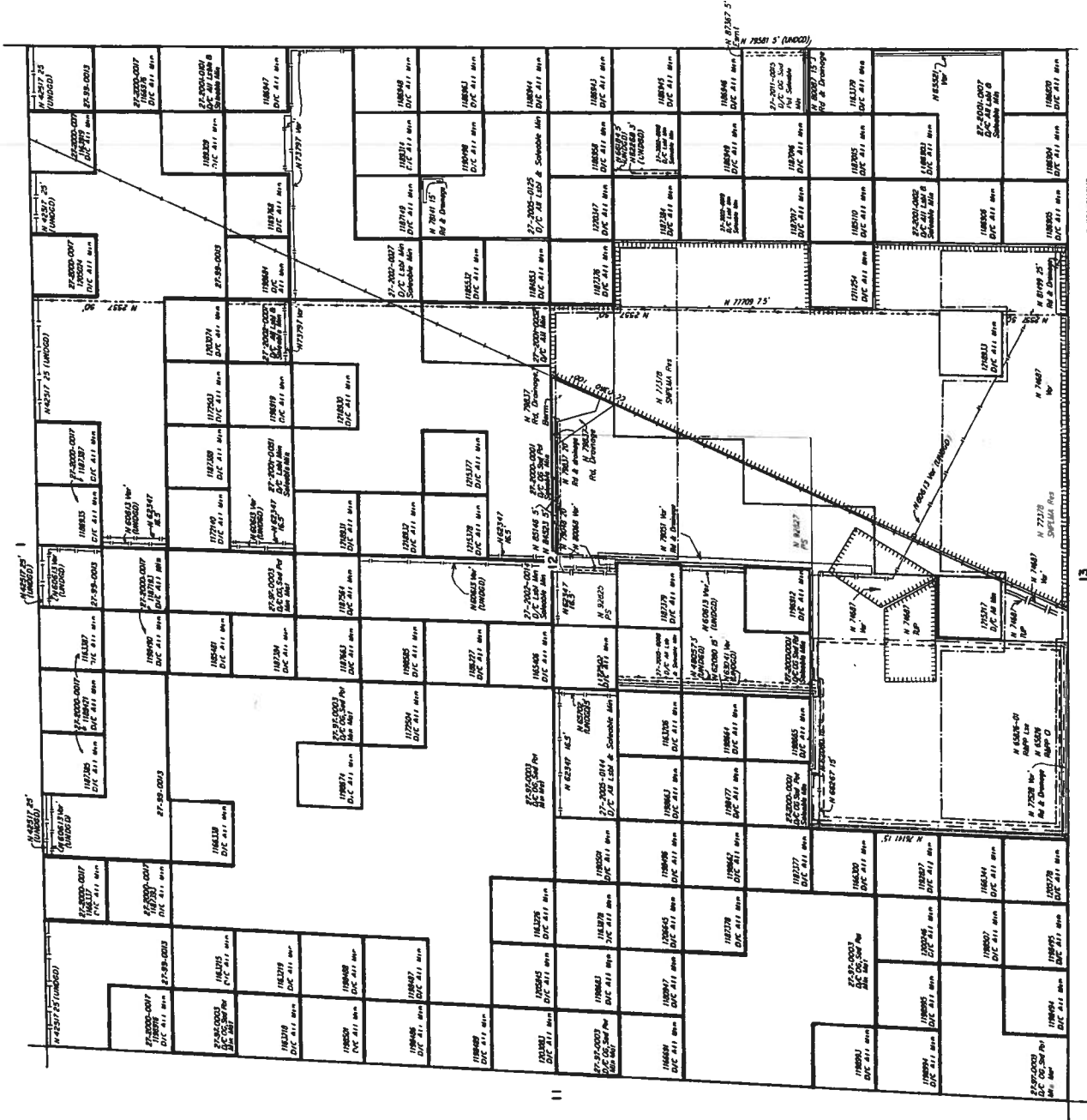
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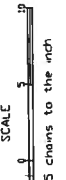
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WARNING: This is a representation of the Record of Title only and should be used only as a guide. It is not a warranty of title. The Bureau of Land Management is not responsible for errors or omissions. Refer to the original survey for full and complete information.



N-050
T. 22 S
R. 60 E
Sec 12
11

Exhibit C
N-80068/A